

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

LEROI ESPIRIQUETZAL,

No. 3:18-cv-00157-YY

Plaintiff,

v.

QUALITY LOAN SERVICE CORPORATION  
OF WASHINGTON, et al.

ORDER

Defendant.

HERNANDEZ, District Judge:

Magistrate Judge You issued a Findings & Recommendation (#60) on August 6, 2018, in which she recommends the Court grant Defendants' motions to dismiss, deny Plaintiff's motion for summary judgment, and dismiss the case with prejudice. Plaintiff has timely filed objections to the Findings & Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the

Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

I have carefully considered Plaintiff's objections and conclude there is no basis to modify the Findings & Recommendation. I have also reviewed the pertinent portions of the record *de novo* and find no other errors in the Magistrate Judge's Findings & Recommendation.

In conjunction with his objections to the Findings & Recommendation, Plaintiff filed a request for judicial notice, asking the Court to judicially notice several state court documents. However, in reviewing a Magistrate Judge's Findings & Recommendation, the Court has discretion whether to consider new evidence. 28 U.S.C. § 636(b); *Nw. Pipe Co. v. RLI Ins. Co.*, No. 3:09-cv-01126-PK, 2013 WL 3712416, at \* 5 (D. Or. July 11, 2013). I exercise my discretion to not review any new evidence and thus deny the request for judicial notice.

#### CONCLUSION

The Court ADOPTS Magistrate Judge You's Findings & Recommendation [60], and therefore, Defendants' motions to dismiss [1-6; 8; 14; 22; 28; 33; 34; and 56] are granted, Plaintiff's motion for summary judgment [25] is denied as moot, and this action is dismissed with prejudice. The request for judicial notice [64] is denied.

IT IS SO ORDERED.

DATED this 24 day of Sept, 2018.

  
MARCO A. HERNANDEZ  
United States District Judge